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**GOVERNOR'S
REORGANIZATION PLAN 1**

**REFORMING
CALIFORNIA'S BOARDS AND COMMISSIONS**

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Governor's Reorganization Plan 1

REFORMING CALIFORNIA'S BOARDS AND COMMISSIONS

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I. INTRODUCTION

Any comprehensive effort to improve the productivity and accountability of state government requires an examination of the role of boards and commissions.¹ Boards and commissions have proliferated in California at a staggering rate and now comprise a substantial portion of the bureaucratic weight of state government. While many boards and commissions provide a critical oversight or regulatory function, others do little to advance the interests of the people of California. In fact, many boards and commissions have outlived their usefulness and interfere with the efficient and accountable delivery of services.

The California Performance Review evaluated more than 300 boards and commissions, examining their role, necessity and effectiveness. The rigorous criteria the California Performance Review applied was influenced by the California Performance Review Commission, the Little Hoover Commission and the people of California.

This reorganization will eliminate 88 boards and commissions described in Appendix I. An index of these boards and commissions can be found in Appendix II. In most cases, the activities or functions of the boards and commissions eliminated will continue, and be transferred to an agency or department. The net result will be increased accountability and transparency of operations. This document describes the boards and commissions proposed for elimination and discusses the justification for their elimination, their membership, their compensation and their function.

Eliminating and consolidating these boards and commissions will improve the productivity of state government by removing duplication, leveraging the state's resources and streamlining decision-making. To ensure the state maintains only those board and commissions necessary for productive government, there will be a periodic review to assess further eliminations and consolidations.

In making these recommendations, care has been taken to identify and highlight those boards and commissions whose work is valuable to the people of California.

¹ See e.g., *Historic Opportunities: Transforming California State Government*, Little Hoover Commission, Report #176, December 2004

II. THE NEGATIVE IMPACT OF PROLIFERATION

Many expert observers of state government have identified the deficiencies inherent in the proliferation of boards and commissions in California state government. The Little Hoover Commission recently observed that:

“California, like many states during the last century, built a government that relied heavily on boards and commissions to improve government decision-making. Boards and commissions – if well structured and managed – can be effective mechanisms for serving the public. But boards and commissions also are frequently cited as examples of waste and abuse of government resources. The case is usually made through examples of bodies that are too independent – not accountable to the people, to the legislation that authorizes their activity, to the appointing powers or even the facts before them. There are some instances where members are given full-time pay for part-time work. Some boards are too close to the profession or business they are expected to regulate. And there are even more boards that are not providing the advice or oversight that is expected of them.”²

Each of California’s boards and commissions were initially created to address a pressing issue. However, over the years this system has evolved into a tangled web that undermines the efficiency and responsiveness of state government. The history of consumer protection entities in California illustrates this pattern.

Currently, over 45 independent departments, bureaus and boards issue licenses, permits and certifications. The current Department of Consumer Affairs (DCA) licenses and regulates professionals in more than 230 professions. The Department contains 40 separate regulatory entities, but 27 entities remain organized as separate regulatory boards. The primary distinction between bureaus and regulatory boards is the source of direct management. Board and committee members establish policy and board priorities and appoint an executive officer that manages board functions and implements policy. The Director of the Department of Consumer Affairs directly manages bureaus and programs, but has little authority to interfere or manage the functioning of many of its boards.

Over 70 years ago licensing boards were placed in a single department in order to increase administrative efficiency and reduce independence, but the organizational structure today is more confused than ever,³ and consumer protection has languished. As the Little Hoover Commission has observed,

“[o]ne purpose for putting the licensing boards in a department 70 years ago was to increase administrative efficiency and reduce independence. But the organizational structure today is more confused than ever...The boards remain largely independent. The department has leaned increasingly harder on the licensing programs to pay for its

² Id., at p. 21

³ Commission on California State Government Organization and Economy, *Consumer Protection: A Quality of Life Investment*, Report No. 146, June 1998

overhead and consumer programs unrelated to the fee-based regulators. The relationship between the department and the boards is often strained and occasionally adversarial.”⁴

Licensing boards in California have had a troubled history. By the late 1920s, 10 boards existed - certifying accountants, architects, barbers, cosmetologists, dentists, embalmers, optometrists, pharmacists, physicians and veterinarians. The Little Hoover Commission notes that while “inspired by consumer protection, once established the boards functioned more like professional guilds than regulatory watchdogs. Examinations did as much to limit competition and hold up prices as they did to screen out incompetence. Investigation and enforcement efforts were lax.”⁵

In the 1970 Consumer Affairs Act, the Legislature sought to significantly augment the consumer protection mandate by creating a Division of Consumer Services within DCA and by charging the Department with an affirmative consumer protection mandate.⁶ The Legislature directed the DCA in Business and Professions Code § 301 to “facilitate the proper functioning of the free enterprise market economy,” but the Little Hoover Commission report, citing testimony from the Center for Public Interest Law, wryly observed:

“It is unclear why the Legislature would direct DCA to ‘facilitate the proper functioning of the free enterprise market economy’ but then place it over 40 semi-autonomous occupational licensing agencies -- many of which are deliberately designed to limit ‘the proper functioning of the free enterprise market economy’ without consumer benefit. And we fail to understand why the Legislature would charge DCA with ‘fostering competition’ without also giving the DCA director sufficient authority to interfere with the cartel-like function of its boards which serve to suppress competition, limit consumer choice in the marketplace and artificially inflate the price of the services performed.”⁷

As reported by the Little Hoover Commission, the centralization goal associated with creation of DCA never materialized. In 1993-94, the DCA reorganized and centralized many of the functions of the regulatory programs under the department's control. Five new divisions were created -- licensing, consumer information, complaint mediation, enforcement, communications

⁴ Id., at “Organizational Structure”, Finding 1.

⁵ Id., at “Background”

⁶ Business & Professions Code § 301 states: It is the intent of the Legislature and the purpose of this chapter to promote and protect the interests of the people as consumers. The Legislature finds that vigorous representation and protection of consumer interests are essential to the fair and efficient functioning of a free enterprise market economy. The Legislature declares that government advances the interests of consumers by facilitating the proper functioning of the free enterprise market economy through (a) educating and informing the consumer to insure rational consumer choice in the marketplace; (b) protecting the consumer from the sale of goods and services through the use of deceptive methods, acts, or practices which are inimical to the general welfare of consumers; (c) fostering competition; and (d) promoting effective representation of consumers’ interests in all branches and levels of government.

⁷ Commission on California State Government Organization and Economy, *Consumer Protection: A Quality of Life Investment*, “Organizational Structure”, Report No. 146, June 1998

and education. The reorganization, according to the director, improved efficiency by centralizing the performance of similar functions historically performed separately by the bureaus and the programs under its authority. But the boards were immune from the reorganization changes.⁸

Legislation enacted in 1994⁹ put in place a procedure and schedule for the Legislature to assess the effectiveness of state involvement in the 32 areas regulated by various boards. The law established the Joint Legislative Sunset Review Committee¹⁰ to provide specific review criteria and minimum standards of evaluation for legislative and state agency use, and to subject all boards of the DCA to periodic review and sunset. When a board is abolished, DCA succeeds to and is vested with all duties and responsibilities of the former board.

This reorganization proposal builds on this concept by integrating boards and commissions throughout state government into existing state departments and agencies.

Separation of the regulatory and licensing functions of state government into so many different entities limits access to information and services. Furthermore, the constituent is not protected as effectively because there is no single agency monitoring enforcement or setting policy and standards. Indeed, the constituent finds the range of entities confusing and not user-friendly.

The state is also not leveraging its scale and resources. Administrative functions are duplicated, best practices are not shared across entities and many licensing boards continue to use outdated and costly systems. The result of proliferation in the number boards and commissions has been higher costs compounded by lower service levels. It is this problem that the California Performance Review set out to address in recommending reforms to California's boards and commissions.

⁸ Commission on California State Government Organization and Economy, *Consumer Protection: A Quality of Life Investment*, Report No. 146, June 1998

⁹ SB 2036 (McCorquodale), Stats. 1994, ch. 908

¹⁰ Now named the Joint Committee on Boards, Commissions & Consumer Protection

III. THE RATIONALE FOR REFORM

The elimination of superfluous boards and commissions will functionally align administrative services within agencies and departments, promote clear policy making authority, strengthen consumer protection and improve customer service.

The California Performance Review evaluated 339 boards and commissions and recommended that one-fourth be eliminated and their functions transferred to an existing department. In some instances, more than one board or commission performs functions that are substantially identical or closely related. This reorganization proposes the consolidation and alignment of these entities by function.

In some cases, both the board and function should be eliminated entirely, because the board or commission has completed its work or does not further the goals for which it was created. For example, it is unnecessary to keep formal, standing boards and commissions that advise other government bodies. State agencies have inherent authority to consult with experts or seek advice from the public, and are often mandated to do so.

In conducting its review, the California Performance Review focused on the inherent role of boards and commissions as a part of governance and what they can accomplish. The California Performance Review defined a board or commission's attributes by virtue of its purpose, the authority it possesses, and whether that purpose was advanced by the entity. The California Performance Review also employed a methodology recommended by the California Performance Review Commission for evaluating boards and commissions that focused on the following criteria:

- Does the board serve a worthy state purpose?
- Are the rules adopted by the board uniformly applied throughout the state?
- Is independence necessary for the function?
- Is the board necessary to receive federal funds?
- Is the board function related to public health and safety?

The California Performance Review Commission further stated that:

- Boards serving a primarily local need, one contained geographically, should be local entities and not state boards;
- Edicts issued by a board should have the same effect and equal application statewide;
- Quasi-judicial or appellate functions should be vested in an independent entity;
- Federally mandated board structures that are necessary to secure funding should be left intact; and
- Boards providing for the most fundamental public purpose – protecting public health and safety – should receive special consideration.

The California Performance Review Commission additionally noted that:

- Some functions now performed by independent standing boards could be provided equally well through an advisory board appointed by department Secretaries;
- Board members' salaries should correspond to workload, favoring a tendency toward *per diem* and travel expenses for remuneration, as opposed to full-time salaries;
- Boards should not possess administrative responsibility for day-to-day operations;
- Independent boards should be affiliated with a department structure; and
- All boards should be subject to routine review.

The California Performance Review's recommendations seek to maximize the accessibility and accountability of state government. They also take into account a board or commission's particular context and purpose, and reflect the criteria provided by the California Performance Review Commission.

Accessibility

Despite legal stricture, boards can actually hinder the public's access to governmental decisions. The public has certain statutory rights with respect to boards that are not available before other government bodies, such as:

- A 10-day public notice requirement for public business – a public agenda;
- Provisions that allow the general public, including interested parties, to comment;
- General public discussion, including board members' questions to staff; and
- A public vote of the board.

However, these are not guarantees of public participation. For example, public commentary has little value if a board is beholden to the industry it is intended to regulate. There are more substantial avenues for public input that can be employed by all government entities. First, all governmental rule-making in California is subject to the Administrative Procedure Act (APA). The APA requires public notice of a proposed change in administrative law (rules and regulations) and allows the public to demand at least one public hearing on the proposed administrative law addition or change. The Act requires state agencies to provide formal, written justification for official actions and that the agencies respond, in writing, to public comments and criticism in a final statement of reasons for its actions.

Second, the public workshop process is often more valuable in providing a forum for public input than board hearings. Public workshops are less rigid than board hearings and are conducted by staff to develop and test proposals with the general public and stakeholders. Workshops can be held in multiple locations to make public attendance more feasible and convenient. By contrast, board hearings are typically held at a single location and limited to a single (or two-day) session on a monthly basis – or even less frequently. These are typically conducted during weekdays and during work hours with public testimony limited to three to five minutes.

For instance, comments received by the California Performance Review Commission indicate that the public workshop process used by the Department of Toxic Substances Control is more accessible than the hearings held by Regional Water Resources Control Boards. These comments

illustrate that an open, public process is subject to certain practical and logistical limitations and that open processes are not the exclusive purview of boards and commissions. Ultimately, a more nimble departmental public workshop process is often superior.

Public accessibility to all governmental entities, including both boards and agencies, can be further enhanced by taking advantage of advances in technology. Stakeholders can be notified using email, submit comments electronically and view public hearings over the web. These and other improvements will enable the state to achieve greater transparency and accessibility without burdening the public with potentially counterproductive, expensive, remote and labor-intensive boards and commissions.

Accountability

A common misconception is that the requirement for a board to conduct its business in public results in accountability. Regardless of such a public forum, any board empowered to do what it wants without consequence is not accountable. If power and responsibility for making policy lies with an unelected, term-appointed board or commission, then no individual, group, or state agency is held responsible. Accountability for the failures and the successes of the executive branch must rest with the elected leader. The recommendations contained within this reorganization proposal advance both public accessibility and accountability.

IV. PROPOSED ORGANIZATIONAL IMPROVEMENTS

New Entities

As noted above, the proposed organizational improvements eliminate some boards and commissions, but combine the functions, duties and responsibilities of these entities into a new, consolidated entity. The two new entities created by this reorganization proposal will be the Office of Higher Education and Financial Aid and the Employment and Benefits Appeals Board.

Office of Higher Education and Financial Aid – Creation of this office will align critical higher education policy and planning functions in California so that policymakers and those charged with implementing higher education programs have immediate access to critical information. More importantly, students will have access to a consolidated system that provides them with the full range of services they need to be successful achieve their academic goals.

The Office of Higher Education and Financial Aid will be governed by its executive officer, who shall serve at the pleasure of the Governor and who shall be confirmed by the Senate. The Office will succeed to and be vested with the powers, duties, and responsibilities of the following entities, which shall no longer exist:

- (1) Loan Advisory Council;
- (2) Student Aid Commission; and
- (3) California Postsecondary Education Commission

This office will review and recommend policies on student financial aid, it will administer financial programs, while continuing to provide information to students on preparing for college, including financing the cost of their education. This office will assume the functions of the California Student Aid Commission and the California Postsecondary Education Commission.

Employment and Benefits Appeals Board – The Employment and Benefits Appeals Board succeeds to and is vested with the powers and jurisdiction of the OSHA Appeals Board, the Unemployment Insurance Appeals Board, and the Workers' Compensation Appeals Board. All three boards will be abolished.

The Employment and Benefits Appeals Board will consist of nine full-time members, all of whom will be gubernatorial appointees, serving at the pleasure of the Governor and subject to Senate confirmation. Board members will receive a full-time salary ranging from \$114,000 to \$117,000 annually. The Governor will designate the chair of the Board from the membership of the Board. The Executive Officer of the Board will serve at the pleasure of the Governor.

The Board will review appeals of decisions made by workers' compensation administrative law judges relating to awards of workers' compensation benefits. The Board will also hear appeals on unemployment disputes, including appeals by businesses from tax assessments made by the Employment Development Department and appeals by individuals from denials of unemployment insurance benefits. Finally, the Board will hear appeals from public and private

sector employers that receive citations for alleged violations of workplace safety standards issued by the Division of Occupational Health and Safety within the Department of Industrial Relations.

Eliminated Boards and Commissions

Administrative

Boards that facilitate administrative processes or programmatic functions often create superfluous layers of bureaucracy which diffuse accountability and transparency. Administrative functions can be better performed by managers according to a set of tested and proven procedures and policies. Transferring responsibility for the effective administration of these policies to the Chief Executive, the Governor's appointees, and discretionary managers (CEAs) will better serve the people of California.

- Commission of the Californias
- Colorado River Board
- Electricity Oversight Board
- State Board of Fire Services
- Commission on Health and Safety and Workers Compensation
- High-speed Rail Authority
- Interagency Aquatic Invasive Species Council
- Student Aid Commission
- California Water Commission

Advisory

Advisory boards should be impaneled under the purview of a Secretary on an *ad hoc* basis to address specific issues, rather than being made permanent fixtures of state government. These advisory bodies often outlive their usefulness or effectiveness. When necessary, expert advice can be sought from existing professional associations such as the California Bar Association, American Medical Association, American Society of Appraisers, Association of Engineering Geologists, and others. Detailed expert advice where needed can be contracted for on a case-by-case basis.

- 911 Advisory Board
- Agriculture Bargaining Association Advisory Board
- Commission on Asian and Pacific Islander American Affairs
- Mortgage Bankers Advisory Committee
- Brown vs. Board of Education of Topeka Advisory Commission
- Campus Sexual Assault Task Force
- Child Development Policy and Advisory Committee
- Clinical Advisory Panel
- Credit Union Advisory Committee
- Economic Development Commission
- Electronic Commerce Advisory Council

- Emergency Medical Services Commission
- Health Policy and Data Advisory Commission
- Hearing Aid Dispenser Advisory Committee
- Heart Disease and Stroke Prevention Treatment Task Force
- Heritage Preservation Commission
- Bipartisan Internet Political Practices Commission
- Loan Advisory Council
- Advisory Committee on Managed Health Care
- Postsecondary Education Commission
- Racial Profiling Panel
- Real Estate Advisory Commission
- Recreational Trails Committee
- Rural Health Policy Committee
- Seismic Safety Commission
- Small Business Reform Task Force
- Departmental Transportation Advisory Committee
- Commission on Uniform State Laws
- Governor's Commission on Veterans Cemeteries
- Mexican-American Memorial Beautification and Enhancement Commission
- Vietnam Veterans Memorial Commission

Appellate/Adjudicatory/Disciplinary

The function being performed by these entities is dispute resolution between an individual or business and the state. The appropriate venue for this process is one that provides assurance of objective mediation and due process. This function is best performed by an Administrative Law Judge through the Office of Administrative Hearings or by a bureau specifically established for this purpose. In the event of the need for expert testimony or advice, that testimony or advice can be obtained through consulting contracts. The following entities are therefore recommended for elimination:

- Alarm Company Operator Disciplinary Review Commission
- Occupational Safety and Health Appeals Board
- Private Security Disciplinary Review Commission, North
- Private Security Disciplinary Review Commission, South
- Unemployment Insurance Appeals Board
- Workers Compensation Appeals Board

Regulatory: Licensing

Many of these licensing boards are responsible for disciplinary actions, which are adjudicatory in nature and should be separated from the board's regulatory duties to avoid potential conflicts of interest and maintain fairness and objectivity. It is administrative law judges, not board and commission members who should consider complaints lodged against licensees. The following entities are therefore recommended for elimination:

- Board of Accountancy
- Acupuncture Board
- Architects Board
- Board of Barbering and Cosmetology
- Board of Behavioral Sciences
- Contractors State License Board
- Court Reporters Board
- Dental Auxiliaries Committee
- Dental Board
- Board of Geologists and Geophysicists
- State Board of Guide Dogs for the Blind
- Landscape Architects Technical Committee
- Medical Board of California
- Board of Occupational Therapy
- Optometry Board
- Board of Pharmacy
- Physical Therapy Board
- Physician Assistant Committee
- Board of Pilot Commissioners for San Francisco, San Pablo Bays and Suisun
- Board of Podiatric Medicine
- Professional Engineers and Land Surveyors Board
- Board of Psychology
- Registered Nursing Board
- Vocational Nursing and Psychiatric Technicians Board
- Registered Veterinary Technicians Committee
- Respiratory Care Board
- Speech-Language Pathology and Audiology Board
- Structural Pest Control Board
- Veterinary Medical Board
- Service Agency Advisory Committee

Regulatory: Standard-Setting

Where there is no compelling need for a “California-only” standard, standards should revert to a best management practices standard employed by another state or the national model. To the extent that expertise is necessary that cannot be found within the governmental structure, and to the extent that outside expertise facilitates sound policy, consulting contracts, the public participation process and ad hoc committees can be formed. Furthermore, California’s regulatory standards should, as frequently as possible and as appropriate, mirror national or regional models to facilitate conformity and understanding among the regulated community. Reciprocity and competitiveness should be considerations when addressing this function. The following entities are therefore recommended for elimination:

- Board of Forestry and Fire Protection
- Building Standards Commission
- California Inspection and Maintenance Review Committee
- Integrated Waste Management Board
- Industrial Welfare Commission
- State Mining and Geology Board
- Reclamation Board

Allocation

Grant applications or requests for issuance of debt instruments should adhere to clearly articulated eligibility guidelines. Staff evaluation, or a panel created for that purpose on an ad hoc basis, should be sufficient in the event there is a need for discretionary decisions. Agency Secretaries, as needed, should provide dispute resolution and oversight of this process. The following entities are therefore recommended for elimination:

- Boating and Waterways Commission
- Consumer Power and Conservation Financing Authority
- Off Highway Motor Vehicle Recreational Commission
- Public Library Construction and Renovation Board

V. IMPLEMENTATION

Implementing major change is difficult in any large organization, and especially so for the government of the world's sixth largest economy. However, for the recommendations of the California Performance Review to have any value, they must translate into real changes in the way that government does business. To accomplish a smooth transition, the California Performance Review recommends an implementation plan focusing on four key areas:

- Leadership Transition – carrying forward the skills and knowledge of consolidated boards and commissions into the new departments;
- Functional Transition – ensuring a continuity of services as responsibility shifts from old boards to new departments;
- Logistical Transition – preserving state resources that are in the hands of boards and commissions; and
- Public Participation – keeping the public involved throughout the entire process so they know what is happening and who is responsible for particular issues.

Leadership Transition

The members and staff of existing boards and commissions often possess a great deal of expertise in their respective areas that the state should attempt to retain. To preserve this institutional knowledge, a transition plan should be developed that identifies key members and staff of eliminated boards and commissions. The director and staff of the new department would then meet with commission members and staff to identify key upcoming issues and relevant history. When appropriate, the department may hire or consult with members of eliminated boards and commissions on an ongoing basis to maintain access to their expertise.

Functional Transition

A key goal of this reorganization proposal is to increase the quality of services that government provides to the public. Thus, it is imperative that the implementation of the reorganization not undermine public services. The implementation plan will ensure a seamless transition by:

- Identifying functions being transferred from eliminated boards and commissions;
- Setting effective dates for the transfer of each function and notifying stakeholders and the public of this schedule;
- Publicizing who will be responsible for specific policy areas in the new organizational structure; and
- Swiftly integrating transferred staff into the new department.

Logistical Transition

Boards and commissions also have certain state resources that must be preserved and managed effectively. Until the transition is complete, existing phone numbers, websites, and offices of boards and commissions must be preserved so that government can continue to be accessible and responsive to the public regarding the areas that the board was responsible for. Equipment used by the board or commission, such as computer systems, must be inventoried and maintained

during the transition. This will allow state government to effectively redeploy these resources in the future to support ongoing government operations or divest them, as appropriate.

Public Participation

Most important of all, public participation must be preserved both during the transition and thereafter. This can be accomplished by changing the way that government agencies conduct their business to make it more transparent to the public. For example, departments can use websites and e-mail to communicate new actions, publicize opportunities for public participation and receive comments electronically. Departments can also change the way they report their work, describing accomplishments, findings and changes in the regulatory process in plain language that is easy to understand.

In addition to this, the California Performance Review recommends that all state agencies consider expanding their use of public workshops to provide even greater opportunity for public input into governmental decisions. Best practices for these public workshops would include:

- Using e-mail in addition to traditional oral and written comments to receive input from the public;
- Publicizing dates and locations of workshops on the internet and using mailing lists to notify stakeholders and interested members of the public;
- Compiling information relevant to the proposed policy change, including contact information for responsible department staff, and publishing it in an easily accessible form prior to the workshop;
- Conducting workshops at times and places that are convenient for the public;
- Making staff available to answer questions about a decision; and
- Accepting public comments after a final decision is made and responding to them in the final statement of reasons with the Office of Administrative Law under the Administrative Procedures Act.

Public participation is critical to the democratic process. The state will ensure best management practices by having all state agencies and departments adopt effective public participation and workshop processes. These will include not only opportunities for public comments, but greater information about performance goals and progress in achieving those goals that will allow citizens to make informed evaluations of what their government is doing.

VI. CONCLUSION AND NEXT STEPS

Within the executive branch of state government, there are more than 300 boards, commissions, panels, task forces, committees and other appointed bodies. These entities are so scattered and numerous that arriving at a firm number is nearly impossible. While the cost of the state's myriad boards and commissions is of concern, more important is the desire to ensure that California's governance structure is highly accountable. The line between the Governor and the performance of executive branch functions should be as straight as possible. If a program is failing Californians, good government demands that blame be easy to affix and hard to deflect. The current structure of boards and commissions creates the opposite situation. For this reason, this reorganization proposal advocates the elimination of 88 boards and commissions. This is a first step in making California's state government more responsive and more accountable to the people of California.

In parallel to the Little Hoover Commission's deliberations, a program team will be established as part of the California Performance Review. This program team will consist of a small number of highly talented individuals committed to facilitating the reorganization and transformation of the boards and commissions identified in this reorganization proposal. The program team will work alongside implementation teams established at the responsible agencies. The California Performance Review program team will set milestones for this effort over the coming 12 months, provide advice to the agency implementation teams and provide monthly updates to the people of California, the Governor and the Legislature.

APPENDICES

Appendix 1 *Descriptions of Boards and Commissions*

Appendix 2 *Index of Boards and Commissions*

APPENDIX 1

Descriptions of Boards and Commissions

State 9-1-1 Advisory Board – The State 9-1-1 Advisory Board is an advisory body created by the Legislature. The Warren-911-Emergency Assistance Act directs the Telecommunications Division of the Department of General Services to consult regularly with specified agencies, officials and entities to accomplish its responsibilities with respect to 911 telephone services. The Board is comprised of 11 members who are appointed by the Governor, and includes a representative of the Department of General Services as a non-voting member.

Members are not compensated for service, but are reimbursed for travel and *per diem* costs.

The board advises the California 911 Emergency Commission Office in the Department of General Services. The Board functions as an administrative body to assist these entities, recommend policies, and develop standards and common protocols to streamline and improve the processes and practices of 911 services.

The board will be eliminated and its functions transferred to the Department of General Services' Telecommunications Division, where it originated.

California Board of Accountancy – The California Board of Accountancy is a regulatory and licensing body created in 1901. The board is comprised of 15 members appointed as follows: seven members appointed by the Governor, two members appointed by the Senate Rules Committee and two appointed by the Assembly Speaker.

Board members receive a \$100 *per diem* for time spent in the conduct of official duty, and are reimbursed for reasonable expenses.

The board's primary function is to regulate individual Certified Public Accountants (CPAs) and corporations. It also has the following duties and responsibilities: the compilation and maintenance of the licensee registrar; the regulation, prescription, amendment or repeal of professional rules of conduct; the ability to establish an advisory committee of its own CPA members to either examine licensee applicants or recommend to the Board applicants for licensure.

The board will be eliminated and its functions will be transferred to the Department of Consumer Affairs.

Acupuncture Board – The Acupuncture Board is a regulatory and licensing board that consists of nine members, seven of whom are appointed by the Governor and confirmed by the Senate. The remaining two members are each appointed by the Assembly Speaker and the Senate Rules Committee, respectively. From 1972 to 1975, acupuncture in California was regulated by the Board of Medical Examiners and was legal only when performed under the supervision of a licensed physician as part of medical research. In 1975, the Acupuncture Advisory Committee

was formed to advise the Medical Board. Over time, statute has been amended, recognizing acupuncturists as primary health care providers. In 1998, the Acupuncture Committee was renamed the Acupuncture Board and exists within the Department of Consumer Affairs.

Board members receive \$100 *per diem* for time spent in the discharge of official duties, and reimbursement for reasonable expenses.

The primary role of the board is to adopt, amend, or repeal regulations relating to the practice of acupuncture; conduct studies and reviews, and report findings to the Department of Consumer Affairs and to the Joint Legislative Sunset Review Committee; and to deny, suspend or revoke, or impose probationary conditions upon the license of any acupuncturist as provided by law.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Agriculture Bargaining Association Advisory Committee – The committee consists of 12 members – six representing the grower bargaining association and six representing food processors. Community Grower Bargaining Associations nominate six members, two of which are appointed by the Governor, two by the Assembly Speaker, two by the Senate Rules Committee. Food Processors nominate six members, two of which are appointed by the Governor, two by the Assembly Speaker, two by the Senate Rules Committee. This committee was established by the director of Department of Food and Agriculture to provide recommendations on conciliation services.

Members receive compensation of \$100 *per diem* for attending public meetings and are reimbursed for expenses.

The committee recommends to the Department of Food and Agriculture, a conciliation service to be appointed by the department in the event that industry parties cannot agree on a conciliator.

This purely advisory body will be eliminated.

Alarm Company Operator Disciplinary Review Committee – This five-member committee, appointed by the Governor, reviews appeals of decisions made by the director of the Bureau of Security and Investigative Services in the Department of Consumer Affairs pursuant to the Alarm Company Act.

The members are paid \$100 *per diem* and reimbursed for expenses. They serve at the pleasure of the Governor.

The committee reviews and decides on all appealed decisions concerning administrative fines assessed by the bureau against alarm companies, license suspensions, and denial of permits, licenses, certificates and registrations issued by the bureau.

Judicial functions, including first hearings or appeals of disciplinary actions, require objective mediation and due process that can be provided by administrative law judges in lieu of a board.

The committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Architects Board – The California Architects Board is a licensing body that was created in 1901 to regulate the practice of architecture in California. The board is comprised of 10 members – eight appointed by the Governor and one each appointed by the Senate Rules Committee and the Assembly Speaker.

Board members receive \$100 *per diem* and reimbursement for travel and expenses related to the conduct of official duties.

The primary responsibility of the board is to provide licensing and disciplinary oversight for architects by establishing standards of practices and ensuring applicants meet those standards; by enforcing the laws and codes governing architectural practice; through public education to inform consumers; and by overseeing the activities of the Landscape Architect Technical Committee to ensure it regulates the practice of landscape architects.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Commission on Asian and Pacific Islander American Affairs – This 13-member commission, comprised of five members appointed by the Governor, four appointed by the Senate Rules Committee, and four appointed by the Assembly Speaker, was established to improve the delivery of state programs and services to Asian and Pacific Islander American groups.

Commission members serve without compensation, but are reimbursed for travel expenses.

The commission advises the Governor, the Legislature, as well as state agencies, departments, and commissions on issues relating to the social and economic development, and the rights and interests of Asian and Pacific Islanders communities.

This purely advisory commission will be eliminated.

California State Board of Barbering and Cosmetology – The California State Board of Barbering and Cosmetology performs regulatory and licensing functions following enactment of SB 1482 (Polanco), which converted an existing bureau to board status. The primary focus of the board is licensing barbers, cosmetologists, electrologists, estheticians and manicurists. The board administers exams to assess minimum qualifications, conducts routine health and safety inspections of licensed establishments, and investigates allegations of unprofessional conduct, negligence, incompetence, fraud or unlicensed activity.

The board is comprised of nine members, seven appointed by the Governor and confirmed by the Senate. The other two members are appointed by the Senate Rules Committee and the Assembly Speaker, respectively.

Members receive a \$100 *per diem* for time spent in the conduct of official duties and reimbursement for reasonable expenses.

The chief duties of the board include: making rules and regulations; conducting and administering exams of license applicants; issuing licenses to qualified applicants; disciplining persons who have violated the rules and regulations; and adopting rules governing the sanitary conditions of establishments and schools approved by the board.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Board of Behavioral Sciences – The Board of Behavioral Sciences is an eleven member board, nine appointed by the Governor, and the remaining two by the Assembly Speaker and the Senate Rules Committee, respectively. The Board performs regulatory and licensing functions for the professions set forth in Title 16 of the California Code of Regulations. The board's predecessor – the Board of Social Work Examiners – was created in 1945 when California became the first state to register social workers. The board's responsibilities were expanded between 1945 and 1970 to include licensing and oversight of additional categories of professionals. The board's primary responsibilities are to license behavioral science professionals, and to register interns and associates and continuing education providers. It also develops and administers exams for its licensing programs, develops regulatory standards, conducts enforcement activities in response to consumer complaints and imposes disciplinary action against licensees and registrants for violations.

Each board member receives \$100 *per diem* for time spent conducting official duties and reimbursement for expenses.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Boating and Waterways Commission – The California Boating and Waterways Commission is an advisory body established in 1979 as a seven-member board appointed by the Governor and confirmed by the Senate. The commission was created to advise the Department of Boating and Waterways with respect to all matters under the department's jurisdiction.

Commission members receive \$100 *per diem* for each for time spent discharging their official duties and are reimbursed expenses.

The chief duties of the commission are to advise the department on loans, grants and fund transfers to construct marinas and other boating facilities; to review and comment on proposed regulations of the Department of Boating and Waterways; and to call for studies and surveys of the need for small craft harbors and connecting waterways.

The functions of this largely advisory body should be incorporated into the program of the Department of Boating and Waterways. The public participation functions provided by the Commission will be incorporated into the department's operating procedures.

This commission will be eliminated and its functions transferred to the Department of Boating and Waterways.

Brown v. Board of Education of Topeka Advisory Commission – This nine-member commission comprised of five members appointed by the Governor, two appointed by the Senate Rules Committee, and two appointed by the Assembly Speaker, was established to commemorate the 50th anniversary of the landmark Supreme Court ruling, *Brown v. Board of Education*. The commission will sunset on January 1, 2006.

Commission members serve without compensation, but receive reimbursement expenses.

The commission develops community and educational awareness programs to commemorate the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka* (1954).

The commission will be eliminated. This *ad hoc* advisory committee's function has been fulfilled. Additional input, as necessary, can be obtained on an *ad hoc* basis.

Building Standards Commission – The Building Standards Commission, established in 1953, is an 11-member Commission appointed by the Governor and confirmed by the Senate. The Secretary of State and Consumer Services serves as the Commission Chairperson.

Commission members receive \$100 *per diem* for time spent in the discharge of official duties and are reimbursed for travel and other expenses.

The chief duties of the commission are reviewing and approving statewide building standards, codifying and publishing approved building standards, administering the building code adoption process, resolving conflict and ensuring consistency in state building standards.

While standard-setting is an important state function in some cases, it is typically a function that relies more upon sound technical data and less on discretionary judgment. To the extent that expertise is necessary that cannot be found within the governmental structure, and to the extent that outside expertise facilitates sound policy, the Department can use consulting contracts, the public participation process and *ad hoc* committees as necessary.

This board will be eliminated and its functions transferred to the Department of General Services.

Commission of the Californias – This 18-member advisory commission is comprised of seven members appointed by the Governor, five appointed by the Assembly Speaker, five appointed by the Senate Rules Committee and the Lieutenant Governor, as an *ex officio* member.

Commission members are not compensated.

The commission was established to develop favorable economic, educational, and cultural relations with Baja California and other states and territories within the Republic of Mexico.

This commission, which has been dormant for several years, will be eliminated.

Boards that facilitate administrative processes or programmatic functions can create superfluous layers of government. Administrative functions should be performed by managers according to a set of broad procedures and policies that are tested and proven effective. To the extent that a collaborative process is necessary to formulate policy, an *ad hoc* committee should be created.

California Campus Sexual Assault Task Force – This 15-member task force, 14 Governor’s appointees and one Attorney General’s appointee, was created to assess the problem of sexual assault on college campuses in California.

Task force members are not paid, but the law authorized the Office of Criminal Justice Planning to contract with an entity to provide research services to the task force.

The task force was charged with developing a uniform system for the gathering of information pertaining to sexual assaults. The task force also created a set of model guidelines for addressing sexual assault issues in institutions of higher education in California.

This task force will be eliminated. Its required report was submitted by the April 1, 2004 deadline to the Legislature. Its purpose has been fulfilled.

Child Development Policy and Advisory Committee – This 27-member committee is comprised of 22 members appointed by the Governor; one member appointed by the Superintendent Public Instruction; one appointed by the Director of Employment Development Department; one member appointed by the Director of Department of Social Services; one member appointed by the Director of Department of Health Services; and one member appointed by the Director of the Department of Developmental Services.

Committee members are not compensated.

The committee was established to provide policy recommendations to the Governor, the Superintendent of Public Instruction, the Legislature, and other relevant state agencies concerning child care and development; review and evaluate the effectiveness of child development programs; and to assess the need for children's services.

This purely advisory committee will be eliminated.

Clinical Advisory Panel – This five-member panel is appointed by the Director of the Department of Managed Health Care.

Panel members serve without compensation, but are reimbursed for expenses incurred in the performance of their duties.

The panel assists the director with clinical issues as needed, such as recommending approaches to reducing clinical errors, improving patient safety, increasing the practice of evidence-based medicine, and catalyzing clinical studies when a clear need for additional clinical evidence becomes evident. The panel reviews the decisions made in external review to ensure that the decisions are consistent with best practices and makes recommendations for improvements where necessary.

This panel will be eliminated and its functions transferred to the Department of Managed Health Care.

The Colorado River Board of California – The Colorado River Board of California is a legislatively created body with eight members: Two public members appointed by the Governor; two *ex officio* state officials – the directors of the Fish & Game and Water Resources departments; and four members selected by the Governor from lists submitted by the Los Angeles Department of Power and Water, the Imperial Irrigation District, the Metropolitan Water District, the San Diego County Water Authority, Palo Verde Irrigation District and the Coachella Valley Irrigation District.

Members receive no compensation, unless the member is not otherwise compensated for meetings, in which case the member receives \$50 per meeting; members are reimbursed for expenses.

The board's primary responsibilities are to develop a plan for using Colorado River water; monitoring and reporting on federal law regarding state interest in Colorado River water; and exercising rights and powers granted to the state under Section 16 of the federal Boulder Canyon Project Act.

Boards that facilitate administrative processes or programmatic functions can create superfluous layers of government. Administrative functions should be performed by managers according to a set of broad procedures and policies that are tested and proven effective. Responsibility for the effective administration of these policies resides with the Chief Executive, the Governor's appointees and discretionary managers (CEAs). To the extent that a collaborative process is necessary to formulate policy, an *ad hoc* committee should be created.

This board will be eliminated and its functions transferred to the Department of Water Resources.

Consumer Power and Conservation Financing Authority - The Consumer Power and Conservation Financing Authority is a five-member board – four Governor's appointees and the State Treasurer, serving as an *ex officio* member.

The Authority chair is designated as a full-time paid position. Other board members receive \$100 *per diem* and are reimbursed for expenses.

The primary role of the Authority is to establish, finance, lease, own, operate, acquire, or construct electricity-generating facilities and other projects or enterprises, on its own or through agreements with public and third parties or joint ventures. The Authority has broad authority in law to issue a variety of debt instruments or enter into various financing arrangements, as a seller or purchaser, lessor or lessee, mortgager or mortgagee, including issuing \$5 billion in bonds.

Grant applications or requests for issuance of debt instruments should adhere to the clearly articulated guidelines for seeking the grant that make the applicant eligible for award. Staff evaluation, or a panel created for that purpose on an ad hoc basis, should be sufficient in the event there is a need for discretionary decisions. Dispute resolution and oversight of this process should be provided by Agency Secretaries, as needed.

This entity was de-funded. The Authority will be eliminated and its functions transferred to the California Energy Commission.

Contractors State License Board -This board consists of 15 members – 11 Governor’s appointees, 2 members appointed by the Senate Rules Committee and 2 members appointed by the Assembly Speaker

Members receive compensation of \$100 *per diem* and are reimbursed for reasonable expenses.

The board issues licenses to contractors and enforces licensing laws; provides dispute resolution services; and educates consumers.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Court Reporters Board of California – This board carries out the executive functions necessary for effectuating the purposes of statutes regarding court reporters. The board consists of five members; three members are appointed by the Governor; one member is appointed by the Speaker of the Assembly; and one member is appointed by the Senate Rules Committee.

Members are reimbursed for reasonable expenses and *per diem*.

The board determines the qualifications of people applying to be certified court reporters; makes rules for the examination and issuance of certificates, grants certificates; and adopts, amends or repeals rules and regulations pertaining to court reporters. The board also takes disciplinary action and investigates actions of licensees when there has been a complaint.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Credit Union Advisory Committee – This seven-member advisory committee, appointed by the Secretary of the Business, Transportation and Housing Agency, was created legislatively in 1996 concurrently with the creation of the Department of Financial Institutions.

Committee members do not receive any compensation, reimbursement for expenses, or other payment from the state in connection with service on the Credit Union Advisory Committee.

The Credit Union Advisory Committee advises the Commissioner and the Deputy Commissioner of Financial Institutions for the Division of Credit Unions on matters relating to credit unions or the credit union business.

This committee will be eliminated.

Committee on Dental Auxiliaries – This advisory Committee consists of nine-members appointed by the Governor.

Members receive \$100 *per diem* for time spent in the discharge of official duties and are reimbursed for expenses.

This committee examines and licenses dental auxiliaries; advises the state's Dental Board; evaluates suggestions or requests for regulatory changes related to dental auxiliaries; and holds informational hearings.

This committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Dental Board of California – The Dental Board of California is a 14-member board performing regulatory and licensing functions for dentists, dental offices and dental schools pursuant to various sections of the Business and Professions Code and Title 16 of the California Code of Regulations. Twelve members are appointed by the Governor; one each is appointed by the Senate Rules Committee and the Assembly Speaker.

The board members receive \$100 *per diem* for time spent in the conduct of official duty and reimbursement for reasonable expenses.

The specific duties of the board include: the examination of all applicants for licenses to practice dentistry in California; the issuance of licenses for successful applicants; and the regulation of compliance with the Business and Professions Code relating to the practices of dentistry.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Commission for Economic Development – This 17-member advisory commission comprised of ten members appointed by the Governor; three appointed by the Assembly Speaker; three appointed by the Senate Rules Committee; and the Lieutenant Governor as an *ex officio* member, was established to serve as an advisory board on economic development.

Commission members are not compensated.

The commission advises the state's executive and legislative leadership on economic development and appoints advisory committees from outside its membership, to represent the aerospace, manufacturing, maritime, tourism, and world trade segments of the state's economy as well as other advisory committees deemed necessary for carrying out its responsibilities.

The commission was inactive for nearly ten years before new appointments were made in August of 2003. Three meetings have been held and two reports issued since that time. Despite this recent activity, it is duplicative of the Economic Strategy Panel, which addresses the same issues and which should continue within the new Labor and Workforce Development Agency.

This commission will be eliminated.

California Electricity Oversight Board – The California Electricity Oversight Board (EOB) is comprised of five members, with three voting seats. These voting members are appointed by the Governor for fixed terms and are subject to confirmation by the Senate. The two non-voting members are appointed by the Senate Rules Committee and the Assembly Speaker.

Board members receive no compensation, but are reimbursed for their expenses.

The primary responsibility of the EOB is to oversee the California Independent System Operator Corporation (Cal-ISO), a not-for-profit entity, to ensure that Cal-ISO maintains reliable delivery of power while preventing or detecting market misbehavior. In that capacity, the EOPB has authority to investigate matters that may affect the public interest in wholesale electricity markets and represents the interests of California's citizens in federal regulatory and judicial forums that concern wholesale energy markets and transmission grid operations. It may collect data on market participants, investigate, initiate or intervene in any action necessary to fulfill its purposes, including pursuit of refunds, prosecution of appeals, negotiation of reform, and investigation of market manipulation.

The EOB's place in California's regulatory framework is uncertain vis-à-vis federal authority. Fundamentally, boards that facilitate administrative processes or programmatic functions can create superfluous layers of government. Administrative functions should be performed by managers according to a set of broad procedures and policies that are tested and proven effective. Responsibility for the effective administration of these policies resides with the Chief Executive, the Governor's appointees and discretionary managers (CEAs). To the extent that a collaborative process is necessary to formulate policy, an *ad hoc* committee should be created.

The EOB will be eliminated and its functions transferred to the California Energy Commission.

Electronic Commerce Advisory Council of California – This council was established to further development of electronic commerce by clarifying, modifying, or removing existing policies and practices that impeded electronic (Internet-based) commerce and implementing new ones.

There are no members on the council.

This council was created by Executive Order in 1998. It was charged with issuing a report on electronic commerce which it completed in 2000 and has apparently been dormant since then.

The council will be eliminated.

Commission on Emergency Medical Services – This 16-member board has ten Governor’s appointees and three each from the Assembly Speaker and the Senate Rules Committee.

Members are reimbursed for expenses.

According to the Health and Safety Code, the Commission reviews and approves regulations, standards, and guidelines to be developed by the Emergency Medical Services Authority (EMSA) before implementation. It advises the Authority on the development of an emergency medical data collection system. It also advises the EMSA director:

Concerning the assessment of emergency facilities and services;
Regarding communications, medical equipment, training personnel, facilities, and other components of an emergency medical services system;

The commission also:

- Reviews and comments upon the emergency medical services portion of the State Health Facilities and Service Plan developed pursuant to Section 127155; and
- May utilize technical advisory panels as needed to assist in developing standards for emergency medical services.

The largely advisory role of the commission can be replaced by a public hearing process for rules and regulations governing emergency medical services functions. EMSA may also continue to use technical advisory panels on an *ad hoc* basis to gather relevant data and input.

This commission will be eliminated and its functions transferred to the Emergency Medical Services Authority.

State Board of Fire Services – The State Board of Fire Services is a 17-member board appointed by the Governor, with nine members subject to Senate confirmation. The State Fire Marshal is the Board’s Chairperson.

Board members receive \$100 *per diem* for time spent in the discharge of official duties and are reimbursed for expenses.

The board serves as an advisor to the State Fire Marshal and as an appeals board on the application of California State Fire Marshal regulations. The board develops studies, makes recommendations and drafts reports to the Governor and the Legislature recommending minimum standards for activities and services related to statewide fire protection and prevention.

This board will be eliminated and its functions will be transferred to the Department of Forestry and Fire Protection.

Board of Forestry and Fire Protection – The Board of Forestry and Fire Protection is comprised of eight members, all of whom are appointed by the Governor and confirmed by the Senate.

Board members receive compensation of \$100 *per diem*, up to eighty days (100 days for the chair), and are reimbursed for expenses.

The primary purpose of the board is to provide policy leadership in regulation of the state's privately-owned and state-held forest and rangelands, as well as oversee the registration of professional foresters and establishes forest policy for the state.

This board will be eliminated and its functions transferred to the Department of Forestry and Fire Protection.

Board for Geologists and Geophysicists – This eight-member board includes six Governor's appointees and one member appointed by the Senate Rules Committee and one by the Assembly Speaker.

Board members receive \$100 *per diem* for time spent in the discharge of official duties and are reimbursed for expenses.

The primary role of the board is to examine, license and regulate registered geologists and geophysicists, and to certify engineering geologists and hydrologists.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

State Board of Guide Dogs for the Blind – This board consists of seven members appointed by the Governor.

Members receive a \$100 *per diem* for time spent in the discharge of official duties and are reimbursed for expenses.

The board licenses schools that instruct blind persons in the use of guide dogs and schools that train guide dogs. The board also answers and resolves complaints involving schools or trainers of guide dogs. It offers advice and mediation services in cases of discrimination against guide dog users.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Commission on Health and Safety and Workers Compensation – This eight-member commission, four appointed by the Governor and two each by the Assembly Speaker and Senate Rules Committees serving fixed four-year terms, is comprised equally of members from "labor"

and “employers.” It was created in 1993 as a part of legislative workers’ compensation reform efforts.

Commission members receive \$100 *per diem* and reimbursement of expenses.

The commission was created to oversee the state’s health and safety, and workers’ compensation systems, and to recommend legislative changes. Funding for the Commission is derived from penalty assessments as a result of audits of workers’ compensation insurers and claims administrators, which is used to fund studies and research, including research of other state’s workers’ compensation and workplace safety programs.

This commission will be eliminated and its functions transferred to the Labor and Workforce Development Agency.

California Health Policy and Data Advisory Commission – This commission is comprised of 13 members: nine appointed by the Governor; two appointed by the Assembly Speaker; and two appointed by the Senate Rules Committee. The Commission was created in 1985 concurrent with the abolishment of the California Health Facilities Commission (CHFC) and merger of its functions into Office of Statewide Health Planning (OSHPD). The Commission resulted from a merger of OSHPD’s Advisory Health Council, which advised it on issues relating to health planning and the Certificate of Need program with the former CHFC.

Members receive \$100 *per diem* for attendance at commission meetings and are reimbursed for expenses.

The functions of the Health Policy and Data Advisory Commission include a number of advisory activities specifically related to the consolidation of CHFC and OSHPD data systems and broad authority to advise OSHPD on issues related to health policy and healthcare data. Statute also gives the commission authority to establish committees to advise them of their work.

This commission was created to address issues stemming from the 1985 elimination of the Health Facilities Commission. However, there were no action items on the agenda for any of the last three meetings held in 2003 and public participation is minimal. Generally, advisory boards should be impaneled under the purview of a Secretary on an *ad hoc* basis to address specific issues. If necessary, expert advice can be sought from existing professional associations or expert advice can be obtained on an ongoing basis through a consulting contract. For this function, any need for expert advice can be obtained from professional associations or consulting contracts on an ad hoc basis.

This purely advisory body will be eliminated and its functions performed by OSHPD.

Hearing Aid Dispensers Advisory Committee – This advisory committee consists of seven members – five Governor’s appointees and one each appointed by the Senate Rules Committee and Assembly Speaker.

Members receive a \$100 *per diem* for time spent in the discharge of official duties, and are reimbursed for expenses.

The advisory committee examines the functions and policies of the Hearing Aid Dispensers Bureau and makes recommendations with respect to policies, practices, and regulations. It makes recommendations to the Bureau in all matters relating to hearing aid dispensing in this state.

This advisory committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Heart Disease and Stroke Prevention and Treatment Task Force – This 12-member task force comprised of six members appointed by the Governor, three appointed by the Assembly Speaker, and three appointed by the Senate Rules Committee, was established to develop a master plan for improving the prevention and treatment of heart disease and stroke in California; the report is due November 1, 2005.

No members have been appointed to this task force. This task force has not been constituted; the legislation creating it was signed in the fall of 2003. The task force itself is contingent upon the receipt of private funds, which have not yet been collected.

This task force will be eliminated and its functions transferred to the Department of Health Services.

Heritage Preservation Commission – This 16-member commission is comprised of seven members appointed by the Governor, two members appointed by the Senate Rules Committee, two appointed by the Assembly Speaker, one appointed by the University of California, one appointed by the California State University, one appointed by the Department of Parks and Recreation, one appointed by the State Library, and one appointed by the Secretary of State. The commission was created as a result of Statutes of 1963, chapter 1938.

Commission members are not compensated.

Functions related to historical and cultural preservation are generally conducted through the State Historical Resources Commission and the Office of Historic Preservation, housed in the Resources Agency. According to public accounts, the Heritage Preservation Commission has not met in recent memory and its functions are duplicative of the State Historical Resources Commission.

This commission will be eliminated.

High-Speed Rail Authority – This nine-member body, comprised of five Governor's appointees and two each from the Assembly Speaker and Senate Rules Committee, was created in 1996 to create a high-speed rail system in California.

Members receive a \$100 *per diem* for meetings and reimbursement for expenses.

The authority was tasked with planning, designing, constructing and operating a high-speed rail line – proposed to stretch from Sacramento and the San Francisco Bay Area in the north to Los Angeles and San Diego in the south.

The functions of this Authority should be integrated with transportation planning performed by the Department of Transportation, which has experience planning, designing, constructing and operating rail lines. Segregated, single-purpose planning for one specialized segment of the state transportation infrastructure creates inefficiencies and can create duplicative and counterproductive efforts. To the extent that these functions are being accomplished in open, public forums, the Department of Transportation should continue to host public workshops to gather input and provide for public dialogue.

This Authority will be eliminated and its functions transferred to the California Transportation Commission.

Industrial Welfare Commission – This five-member commission, appointed by the Governor, was de-funded effective July 1, 2004 and is no longer in operation.

The state Constitution provides that the Legislature may confer on the commission the authority to create a minimum wage and provide for the general welfare of employees. Governing statutes for the Commission (Labor Code Section 1173) specify that it is the continuing duty of the Commission to ascertain the wages paid to California employees and the hours and conditions of employment in various occupations.

The commission was defunded effective July 1, 2004 and does not currently meet. Minimum wage orders, overtime work rules and other important considerations should closely align with other functional duties assigned to the appropriate state agencies, so that policy-makers can make informed decisions affecting California's economy.

This commission will be eliminated and its authority to create a minimum wage and provide for the general welfare of employees will revert to the Legislature for determination through the normal legislative process. Implementation and enforcement duties will remain with the Labor and Workforce Development Agency.

California Inspection and Maintenance Review Committee – This 13-member committee, comprised of nine members appointed by the Governor, two appointed by the Assembly Speaker, and two appointed by the Senate Rules Committee, was created to evaluate the effectiveness of California's Smog Check program and recommend program improvements.

Committee members receive no compensation, but are reimbursed for expenses.

This committee will be eliminated.

Integrated Waste Management Board – This six-member board, with four Governor’s appointees and one each from the Assembly Speaker and Senate Rules Committee, was created in 1989 and assumed expanded duties from an existing solid waste oversight board as part of a new state law requiring local jurisdictions to divert solid waste away from landfills and toward recycling and reuse.

Members receive a full-time salary of \$114,000 per year and staff support.

The board is responsible for:

- Overseeing local efforts to divert solid waste from landfills;
- Mitigating impacts of landfills (water impacts, methane gas, cleanup and capping of site at closure);
- Concurring in local permits for siting and operations;
- Certifying local enforcement agencies;
- Responding to complaints; and
- Administering recycling programs for waste tires, used oil and electronic waste (personal computers)

Its functions also include public education about recycling programs and market development for recycled products, including research and development. The board also has cleanup and enforcement responsibilities for illegal dumping.

In this particular case, an independently appointed board with full-time, term appointed members creates an obstacle to full integration of these functions with a coordinated, collaborative environmental cleanup strategy. While standard-setting is an important state function in some cases, it is typically a function that relies more upon sound technical data and less on discretionary judgment. To the extent that expertise is necessary that cannot be found within the governmental structure, and to the extent that outside expertise facilitates sound policy, consulting contracts, the public participation process and ad hoc committees can be formed.

This board will be eliminated and its functions transferred to the California Environmental Protection Agency.

Interagency Aquatic Invasive Species Council – This 14-member council consists of the four members appointed by the Governor, the Director of Department of Fish and Game, and one representative from the following entities: the Department of Food and Agriculture, the Department of Boating and Waterways, the State Water Resources Control Board, the California Coastal Commission, the State Coastal Conservancy, the University of California, and the State Lands Commission. The Interagency Aquatic Invasive Species Council was established by legislation to develop a comprehensive plan for dealing with aquatic invasive species in California.

Although the council was scheduled to submit its first working version of an aquatic invasive species plan to the Legislature on or before January 1, 2004, the legislation mandating the report did not provide funding and no funding was provided to create the Council. Accordingly, the

Council was never formed. The comprehensive plan it was charged with developing has been initiated by staff in the Department of Fish and Game. Boards that facilitate administrative processes or programmatic functions can create superfluous layers of government.

Administrative functions should be performed by managers according to a set of broad procedures and policies that are tested and proven effective. Responsibility for the effective administration of these policies resides with the Chief Executive, the Governor's appointees and discretionary managers (CEAs). To the extent that a collaborative process is necessary to formulate policy, an *ad hoc* committee should be created.

Council members are not compensated.

This council will be eliminated.

Bipartisan California Commission of Internet Political Practices – This 13-member commission, comprised of three members appointed by the Governor, two members appointed by the Senate Rules Committee, two by the Assembly Speaker, one appointed by the Senate and Assembly Minority Leaders, one appointed by the Secretary of State, and two appointed by the Chairperson of the Fair Political Practices Commission, was created to examine the various issues posed by campaign activity on the Internet, which is largely unregulated.

Commission members receive a \$100 *per diem* for meetings, up to ten meetings per year.

This commission will be eliminated. The commission was established by legislation in 1999 to prepare a report, which it completed.

Landscape Architects Technical Committee – The original Board of Landscape Architects was formed in 1953. In 1997, it was sunsetted by the California Legislature, then restructured in 1998 as the Landscape Architects Technical Committee under the purview of the California Architects Boards. It consists of five members – three Governor's appointees, one Senate Rules Committee appointee and one Assembly Speaker appointee.

Members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The committee assists the California Architects Board in the examination of candidates for landscape architect's licenses, and after investigation, evaluates and makes recommendations regarding potential violations.

The committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Loan Advisory Council – This 17-member council is selected by the Student Aid Commission from a list of candidates submitted by participants and administrators in the student financial aid system, including state universities, non-profit and for-profit private institutions, lending institutions and the U.S. Department of Education.

Members are reimbursed for expenses.

The California Education Code directs the Loan Advisory Council to review the activities and policies of the Federal Family Education Loan Program and advise the Student Aid Commission of its findings and recommendations. The Loan Advisory Council may request information and data that it deems appropriate from the Student Aid Commission with respect to the Federal Family Education Loan Program or any other loan program administered by the commission.

The Student Aid Commission's auxiliary agency, Edfund, has a Board of Directors, which serves similar and overlapping functions; the Council does not meet regularly, nor does it have a specific charge with the exception of providing advisory information to the Student Aid Commission. Edfund provides this same advisory information. Any additional advisory role can be accomplished with the appointment of an *ad hoc* committee or as a part of the Student Aid Commission staff's normal course of business as it attempts to better serve its clients.

This council will be eliminated and their functions transferred to the new Office of Higher Education and Financial Aid.

Advisory Committee on Managed Health Care – The Advisory Committee on Managed Health Care is an advisory body comprised of 22 members – 15 Governor's appointees and three each appointed by the Assembly Speaker and the Senate Rules Committee.

Committee members are not compensated, but are reimbursed for expenses.

The primary purpose of the committee is to advise the Director of the Department of Managed Health Care. The initial focus of the committee was to produce a report that provides recommendations on how to establish a publicly accessible report card for HMOs that the department oversees and includes a list of the "top five" recommendations for improving the healthy care delivery system.

This entity was created when HMO patient care was a top public concern. The mandated report has been produced. Furthermore, advisory boards should be impaneled under the purview of a Secretary on an *ad hoc* basis to address specific issues. If necessary, expert advice can be sought from existing professional associations or expert advice can be obtained on an ongoing basis through a consulting contract.

This purely advisory committee will be eliminated.

Medical Board of California - This Board consists of 21 members: 19 Governor's appointees and one member appointed by the Senate Rules Committee and Assembly Speaker, respectively.

Members receive \$100 *per diem* and are reimbursed for expenses.

There are two divisions within the Medical Board of California.

The Division of Medical Quality is responsible for:

- Enforcement of the disciplinary and criminal provisions of the Medical Practice Act;
- Administration and hearing of disciplinary actions;
- Carrying out disciplinary actions against licensees; and
- Reviewing the quality of medical practice of persons under jurisdiction of the Board.

The Division of Licensing is responsible for:

- Approving undergraduate and graduate medical education;
- Approving clinical clerkships and special programs;
- Developing and administering licensure examinations;
- Issuing licenses and certificates; and
- Administering the board's continuing medical education and student loan programs.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

State Mining and Geology Board – The State Mining and Geology Board is comprised of nine members appointed by the Governor. It serves as the policy and appeals body representing the State's interest in geology, geologic and seismologic hazards, conservation of mineral resources and reclamation of lands following surface mining activities.

Board members receive \$100 *per diem* for time spent performing official duties, up to \$4,000 per year, and are reimbursed for expenses. The chairman of the board may receive compensation of up to \$5,000 per year.

The board's primary function is to oversee private mineral extraction operations and the reclamation of mined lands after mineral extraction ends. The board also represents the state's interest in the development of geological information necessary to the understanding and utilization of the state's terrain and seismological and geological information pertaining to earthquake and other geological hazards.

This board will be eliminated and its functions transferred to the Department of Conservation.

Mortgage Banking Advisory Committee – This six-member committee, which is appointed by the California Corporations Commissioner, was created to discuss issues impacting the mortgage banking industry and the administration of the California Residential Mortgage Lending Act.

Committee members are not compensated or reimbursed for expenses.

This committee will be eliminated.

Occupational Safety and Health Appeals Board – This three-member quasi-judicial body is appointed by the Governor pursuant to California's 1973 enactment of California Occupational Safety and Health Act, which enables delegation of workplace safety responsibilities to the state.

Board members serve fixed terms and receive a salary of approximately \$100,000 annually.

The board hears appeals from public and private sector employers that receive citations for alleged violations of workplace safety standards issued by the Division of Occupational Health and Safety.

This board will be eliminated and its functions transferred to the Labor and Workforce Development Agency, where it will be consolidated into a single appeals board, the Employment and Benefits Appeals Board.

Judicial functions that require objective mediation and due process may be handled by administrative law judges, or similar judicial functions should be combined into a single adjudicatory body.

California Board of Occupational Therapy – This Board consists of seven members – five members appointed by the Governor, one member appointed by the Senate Rules Committee, and one member appointed by the Assembly Speaker.

Members are reimbursed for expenses.

The board administers, coordinates, and enforces the Occupational Therapy Practice Act, adopting rules relating to professional conduct including professional licensure and establishment of ethical standards of practice.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Off Highway Motor Vehicle Recreational Commission - This seven-member commission includes three Governor's appointees and four legislative appointees – two each appointed by the Senate Rules Committee and the Assembly Speaker. Commission members serve four-year, fixed terms. The commission was created by the Off Highway Motor Vehicle Recreation Act of 2003.

Commission members receive \$50 *per diem* up to a maximum of \$100 per month and are reimbursed for actual and necessary expenses.

The primary responsibility of the commission is to allocate local assistance appropriations to federal, local and non-profit organizations and to review and approve the Division of Off-Highway Motor Vehicle Recreation Division of Department of Parks and Recreation's capital outlay program.

Grant applications, dispersal of funds or requests for issuance of debt instruments should adhere to the clearly articulated guidelines for seeking the grant that make the applicant eligible for award. Staff evaluation, or a panel created for that purpose on an ad hoc basis, should be sufficient in the event there is a need for discretionary decisions. Dispute resolution and oversight of this process should be provided by department Secretaries, as needed.

The commission will be eliminated and its functions transferred to the Department of Parks and Recreation.

State Board of Optometry – This regulatory and licensing board consists of 11 members – nine Governor’s appointees, one member appointed by the Senate Rules Committee and one member appointed by the Assembly Speaker.

Members receive a \$100 *per diem* for time spent in performance of duties and reimbursement for expenses.

The board licenses and regulates the professional conduct of optometrists.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California State Board of Pharmacy – This Board has thirteen members – 11 Governor’s appointees, one Senate Rules Committee appointee, and an Assembly Speaker appointee.

Members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

This board examines and licenses pharmacists, and establishes and enforces rules and regulations relating to the practice of pharmacy and the other occupations regulated by the board.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Physical Therapy Board of California – This Board consists of seven members; five Governor’s appointees, one member appointed by the Senate Rules Committee, and one member appointed by the Assembly Speaker.

Members receive a \$100 *per diem* for time spent on official duties and are reimbursed for expenses.

The board examines and licenses physical therapists; inspects or requires reports from sites providing physical therapy care; and issues, suspends, and revokes licenses and approvals to practice physical therapy.

This board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Physician Assistant Examining Committee – This Committee consists of nine members - seven Governor’s appointees, one Senate Rules Committee’s appointee, and one Assembly Speaker’s appointee.

Members receive \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The committee licenses physician assistants and approves physician assistant training programs.

The committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

This is a seven-member commission appointed by the Governor is a licensing and regulatory body consisting of two licensed pilots, two industry representatives, and three members of the public.

The public members of the board receive \$100 *per diem*, up to \$600 per month, and are reimbursed for expenses.

The Board was created in 1853 by the legislature with the addition of inland and river pilots in 1984. The commission provides a program of pilot licensing and regulations, investigates and reports on navigational incidents. The Board also provides training and coordinates with other state and federal agencies charged with protecting the environment and with the oil and hazardous chemical shipping industry.

Professional development of pilots will continue through professional organizations and industry related educational institutions such as the San Francisco Bay Pilots and California Maritime Academy respectively.

Coordination of environmental protection efforts for oil and hazardous chemical shipping will continue through Department of Consumer Affairs in cooperation with the California Environmental Protection Agency, departments within the Resources Agency and federal regulators.

This commission will be eliminated and its licensing, disciplinary, pilot fee schedules, training requirements, and selection of candidates for trainee programs functions will be transferred to the Department of Consumer Affairs.

Board of Podiatric Medicine – The Board of Podiatric Medicine consists of seven members – five Governor’s appointees, one each by the Senate Rules Committee appointee and one Assembly Speaker appointee.

Members receive a \$100 *per diem* for time spent in the conduct of official duty and are reimbursed for expenses.

The board functions as a regulatory and licensing body, adopting, amending and repealing regulations related to the practice of podiatric medicine. The Board also approves podiatric residency programs; recommends applicants who should be certified to practice podiatric

medicine; and orders the denial of applications, suspension or revocation of applicants and/or practitioners.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Postsecondary Education Commission – This 16-member body was created in 1974 and includes eleven members appointed by the Governor, as well as five members chosen by segments of the education system (The California Community Colleges, University of California, California State University, State Board of Education and private educational institutions each select one).

Board members receive a \$50 *per diem* for attending board meetings and are reimbursed for expenses.

Fourteen years after adoption of the 1960 Master Plan for Higher Education, the commission was created to serve as a central coordinating and planning body and to provide policy analyses, and to provide policy and budget recommendations to the Legislature and the Governor on postsecondary education issues. The commission develops an ongoing statewide plan for the operation of the postsecondary education system, including providing information about student enrollment, long-range planning, reviewing proposals for new degree programs and recommending policies on student financial aid. It also provides information to students on preparing for college, including financing.

This largely advisory and research body's functions should be an integral part of the higher education system – not separate and distinct bodies with overlapping functions.

This board will be eliminated and its functions transferred to Office of Higher Education and Financial Aid.

Private Security Disciplinary Review Commission North and South – These Commissions have five members each appointed by the Governor to review appeals of decisions made by the director of the Bureau of Security and Investigative Services in the Department of Consumer Affairs pursuant to the Private Security Act.

Members are paid a \$100 *per diem* and are reimbursed for expenses.

The commissions review and decide on all appealed decisions concerning private patrol operators, security guards, firearm qualification cardholders, firearm training facilities, firearm training instructors, baton training facilities and instructors.

The function being performed in these cases is dispute resolution between an individual or business and the state. The appropriate venue for this process is one that provides assurance of objective mediation and due process. That function, in these cases, is best performed by an Administrative Law Judge or by a bureau established for this purpose. In the event of the need

for expert testimony or advice, that testimony or advice can be obtained through consulting contracts.

The commissions will be eliminated and the functions transferred to the Department of Consumer Affairs.

Board for Professional Engineers and Land Surveyors – This board consists of 13 members – 11 Governor’s appointees, one Assembly Speaker appointee, and one Senate Rules Committee appointee. It was created in 1929 as the Board of Registration for Civil Engineers in response to the failure of the Saint Francis Dam.

Members receive a \$100 *per diem* for each meeting and are reimbursed for expenses.

The board qualifies and licenses individuals, establishes regulations, enforces laws and regulations and provides information to consumers.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Board of Psychology – The Board of Psychology consists of nine members – seven Governor’s appointees, one Senate Rules Committee appointee and one Assembly Speaker appointee.

Board members receive a \$100 *per diem* time spent conducting official duties and are reimbursed for expenses.

The board was originally created to administer and enforce the Psychology Licensing Law. Under existing statutes, the Board examines and passes upon the qualifications of applicants for licensure under the Psychology Licensing Law; adopts rules and regulations necessary to effectuate the Psychology Licensing Law; adopts programs of consumer and professional education; and establishes standards of ethical conduct relating to the practice of psychology.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Public Library Construction and Renovation Board – This Board consists of six members: the State Librarian; the Treasurer; the Director of the Department of Finance; one member appointed by the Governor; one Assembly member appointed by the Assembly Speaker; and one Senator appointed by the Senate Rules Committee.

Five of the six members are ex-officio members already being compensated for state services. The only possible expense is reimbursement to the public member appointed by the Governor for *per diem* and expenses.

The board utilizes grant funds and matching funds to acquire or construct new facilities or additions to existing public library facilities; acquire land; remodel or rehabilitate existing public

library facilities or other facilities for the purpose of converting to a library; procurement or installation of furnishings or equipment; and payment of fees charged by architects, engineers, and other professionals.

This Board has already completed its tasks. It will be eliminated and its functions will be transferred to the California Infrastructure and Economic Development Bank Board.

California Quality Education Commission – This 13-member commission is comprised of seven Governor’s appointees; two Senate Rules Committee appointees; two Assembly Speaker appointees; and two Superintendent of Public Instruction appointees.

Commissioners are not compensated.

The California Quality Education Commission was established “for the purpose of developing, evaluating, validating, and refining a Quality Education Model for pre-kindergarten through grade 12, inclusive, to provide state policymakers with adequate tools to enable them to establish the reasonable costs of schools and the best direct available resources so that the vast majority of pupils may meet academic performance standards established by the state.” The commission is empowered to appoint an Executive Director, solicit input, collect data and is required to report its findings to the Governor and the Legislature.

This board will be eliminated.

Racial Profiling Panel – This five-member panel, comprised of three members appointed by the Governor, one member appointed by the Senate Committee on Rules and one member appointed by the Speaker of the Assembly, was established March 2001.

Panel members are compensated for expenses related to their work.

The panel collaborated with California Peace Officers Standards and Training Commission (CPOST) to develop guidelines for racial and cultural diversity training for all law enforcement officers in California.

The panel was formed to develop a report on curriculum for training to avoid racial profiling by law enforcement officers. The panel completed its work in 2003 and has been disbanded.

The panel will be eliminated.

Real Estate Advisory Commission – This 10-member board, appointed by the Real Estate Commissioner, was established to advise the Commissioner on improving the performance of the Department of Real Estate.

Commission members are reimbursed for expenses.

The commission meets and consults on Department of Real Estate policies at public meetings held at least four times a year.

The commission will be eliminated.

Reclamation Board – The Reclamation Board, formed in 1861 in response to public concerns about flood control, is a seven-member board appointed by the Governor.

Board members receive \$100 *per diem* for board meetings, up to a maximum of 40 days per year, and are reimbursed for expenses.

The Board's primary responsibility is to execute the plan for controlling the flood waters of the Sacramento and San Joaquin Rivers. Its functions include: acquiring property and easements for flood control purposes, constructing and maintaining bypasses, levees, canals and other flood control structures; granting permits for encroachments into floodways; establishing levee standards; designating floodways, cooperating with the federal government to adopt and carry out plans for flood control in the Central Valley; and leasing and selling property and levee assessments.

While standard-setting is an important state function in some cases, it is typically a function that relies more upon sound technical data and less on discretionary judgment. To the extent that expertise is necessary that cannot be found within the governmental structure, and to the extent that outside expertise facilitates sound policy, consulting contracts, the public comment process and ad hoc committees are all available.

The board will be eliminated and its functions transferred to the Department of Water Resources.

Recreational Trails Committee – This committee consists of seven members appointed by the Governor to four-year terms.

Members are not compensated for their service, but are reimbursed for expenses.

The committee advises the Director of Parks and Recreation on the preparation and maintenance of a statewide system of recreational trails, coordinates trail planning and development throughout the state and studies the utilization of various lands for recreational trail use.

This committee will be eliminated and its functions transferred to the Department of Parks and Recreation.

California Board of Registered Nursing – The California Board of Registered Nursing consists of nine members – seven Governor's appointees, and one member appointed by the Senate Rules Committee and the Assembly Speaker, respectively. The Board was created in 1913 as the Bureau of Registration of Nurses under the State Board of Health to administer exams, register qualified registered nurses, accredit nursing schools, and revoke licenses of nurses found to be unsafe to practice. In 1975, the current name was adopted.

Board members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The board's primary responsibilities include: establishing educational standards and approving programs that prepare individuals for licensure as registered nurses; evaluating licensure applications; issuing licenses for registered nurses and certificates for the categories of public health nurse, nurse practitioner, nurse anesthetist, nurse midwife, and clinical nurse specialist; and taking disciplinary action against licensees who violate the Nurse Practice Act.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Registered Veterinary Technicians Committee – This committee was created by statute in 1998 to advise the Veterinary Medical Board on matters relating to the registration of veterinary medical technicians. The members of the Committee are appointed by the Veterinary Medical Board.

Members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The committee assists the Veterinary Medical Board in the examination of applicants for veterinary technician registration. It investigates and evaluates applicants for registration and makes recommendations to the board for final determination on admission to the registration examination. It makes recommendations to the board regarding continuing education requirements and assists the board in the inspection and approval of schools or institutions offering a curriculum for training registered veterinary technicians.

The committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Respiratory Care Board of California – This Board consists of nine members – three Governor's appointees; three Senate Rules Committee appointees; and three Assembly Speaker appointees.

Members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The board issues, suspends and revokes licenses to practice respiratory care and adopts regulations as necessary to effectuate the Respiratory Care Practice Act. The Board may inspect or require reports from any site providing respiratory care, treatment, or services.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Rural Health Policy Council – This six-member interagency council is composed of the Director of Health Services, the Director of Statewide Health Planning and Development, the Director of Alcohol and Drug Programs, the Director of Emergency Medical Services Authority,

the Director of Mental Health, and the Executive Director of the Managed Risk Medical Insurance Board.

The members of the council are reimbursed for expenses.

The California Rural Health Policy Council was established in 1996 and serves to formulate and establish rural health policy for the state, to provide a focal point for discussion of rural health policy issues within the California Health and Human Services Agency, to receive suggestions and recommendations from rural health constituencies, and to improve rural health care services. The Council also administers the Rural Grants Program.

The Rural Health Policy Council will be eliminated and its functions transferred to the Department of Health Services.

Seismic Safety Commission- This 17-member advisory commission was established in 1975 to advise the Governor, Legislature, and local governments on ways to reduce earthquake risk. The Commission consists of: 15 Governor's appointees, confirmed by the Senate; one Senate Rules Committee appointee and one Assembly Speaker appointee.

Members receive a \$50 *per diem* for attending Commission meetings and are reimbursed for expenses.

In addition to its advisory role, the commission reports annually to the Governor and to the Legislature on its findings, progress, and recommendations relating to earthquake hazard reduction.

The commission will be eliminated and its functions transferred to the Department of General Services.

Service Agency Advisory Committee – This seven-member committee, appointed by the Secretary of Food and Agriculture, was established in 2003 by the Department of Food and Agriculture to provide advice on all matters pertaining to the registration of service agencies. Service agencies maintain devices for determining weights and measures for commercial purposes.

Membership is voluntary; there is no compensation.

The Department licenses service agencies and service agents, ensures that testing equipment meets national standards and regulates accuracy of devices. Fees are collected from service agencies and are used to support the Department's enforcement function and to support county weights and measures enforcement.

The Committee will be eliminated and its functions transferred to the Department of Consumer Affairs.

Small Business Reform Task Force – This 14-member board is appointed by the Governor and chaired by the Director of the Office of Small Business Advocate, which reports to the Governor through the Office of Planning and Research.

Members are not compensated for their work.

According to the Government Code, the Task Force was charged with gathering input through public hearings and an interactive, Internet website on the problems confronting small businesses in California – including regulatory hurdles, obstacles to interaction with different levels of government (for permitting and licensing) and difficulties accessing state assistance. The Task Force's work was to culminate in the issuance of a report by May 1, 2002.

The Task Force completed its work, issued its report and its website is no longer active. To the extent that these functions are desirable to continue, advisory or investigative task forces should be formed on an ongoing and as needed basis.

The task force will be eliminated.

Speech-Language Pathology and Audiology Board – This board consists of nine members – seven Governor's appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee.

Members receive a \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The board examines and licenses applicants as speech-language pathologists and audiologists. The Board issues, suspends, and revokes licenses to practice speech-language pathology and audiology.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Structural Pest Control Board – This licensing board consists of seven members – five Governor's appointees; one Senate Rules Committee appointee; and one Assembly Speaker appointee.

Members receive a \$100 *per diem* and are reimbursed for expenses.

The board administers exams and licenses structural pest control businesses and applicators; investigates consumer complaints; works with county agricultural commissions; and coordinates with the Department of Pesticide Regulation on regulations and other issues involving pesticides.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Student Aid Commission – This 15 member Commission, with 11 members appointed by the Governor and two each appointed by the Assembly Speaker and Senate Rules Committee is the primary state agency for administration of state-authorized student financial aid programs.

Members receive a \$100 *per diem* for attending meetings and reimbursement for travel expenses.

The California Student Aid Commission is the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. It also serves as California's designated guarantor for the Federal Family Education Loan (FFEL) Program. The Commission administers programs that provide financial assistance to students attending postsecondary educational institutions at all five segments of higher education. Its auxiliary non-profit, public benefit corporation, EDFUND, assists the Commission in administering the FFEL Programs.

The functions of the Commission can be fulfilled by staff, while any need to seek public or expert advice can be accomplished with a continuing relationship with the EDFUND Board of Directors, on an *ad hoc* basis through temporary advisory bodies and in the normal course of the Commission staff's functions.

This board will be eliminated and its functions transferred to the Office of Higher Education and Financial Aid.

Transportation Advisory Committee - This 16-member board, appointed by the Legislature, was created by statute in 1973 as the successor to the Scenic Highway Advisory Committee and serves as a mechanism of public input to the Department of Transportation, along with public workshops, conference sponsorships and workgroups.

Committee members are not compensated.

The Committee advises the Department of Transportation when it prepares various reports required by statute, including but not limited to functional classification and "needs studies" and recommends program criteria and scenic highway designations.

Subsequent changes to the state transportation planning process in 1997 (SB45, Kopp) dramatically increased the level of local participation and partnership as 75% of the STIP transportation funds were designated for regional improvements where public participation with county and city officials, representatives of transportation planning agencies, representatives of air, highway, motoring, and public transportation organizations, and others interested in transportation planning was central. These local partners, which work together in metropolitan planning organizations, are the same entities that would work with the Department of Transportation Director to designate scenic highways (or local roadways considered scenic).

The Committee will be eliminated and its functions will be transferred to the Department of Transportation.

Unemployment Insurance Appeals Board – This Board is comprised of seven members serving fixed terms. Five are appointed by the Governor and one each is appointed by the Assembly Speaker and Senate Rules Committee.

Board members earn full-time salaries ranging from \$114,000 to \$117,000 annually.

The appeals board serves as a “second level” of appeal for individuals and businesses for two types of disputes:

- Levies assessed by the Employment Development Department (EDD), which collects unemployment insurance taxes from businesses; and
- Denial of unemployment or disability benefits.

The initial level of appeal is conducted by administrative law judges at one of eleven EDD branch offices. The losing party may appeal that decision to the Unemployment Insurance Appeals Board. According to its website, the Unemployment Insurance Appeals Board hears 20,000 appeals annually (out of 180,000 cases filed).

Judicial functions that require objective mediation and due process should be handled by administrative law judges as part of a single, consolidated adjudicatory body.

This board will be eliminated and its functions transferred to the Labor and Workforce Development Agency, where it will be consolidated into the Employment and Benefits Appeals Board.

Commission on Uniform State Laws – This nine-member commission, comprised of six members appointed by the Governor, one appointed by the Assembly, one appointed by the Senate and the Legislative Counsel, was established to participate in the National Conference of Uniform State Laws.

Commission members receive a \$100 *per diem* and are reimbursed for expenses.

The commission attends the meetings of the National Conference of Commissioners on Uniform State laws and promotes uniformity in state laws where uniformity is deemed desirable and practicable.

The major duty of the Committee is to attend the National Conference of Commissioners on Uniform State Laws. California can continue to participate in this national effort without appointing a separate state commission.

The commission will be eliminated.

Governor’s Commission on State Veterans’ Cemeteries – This advisory Commission was created in 2003 to provide an orderly process to assess the need for the creation of state veterans’ cemeteries and prioritize sites for the future construction of cemeteries. It consists of seven members: two Governor’s appointees; one Assembly Speaker appointee; one Senate Rules Committee appointee; and the Secretary of Veterans Affairs. There are also two nonvoting, ex-

officio members: The Chairperson of the Assembly Committee on Veterans Affairs and the Chairperson of the Senate Committee on Veterans Affairs.

The legislation does not authorize payment for board members.

The Commission's duty is to provide a report to the Governor and the Legislature on recommendations for the number and sites for veterans' cemeteries by May 31, 2005, and implement the location and construction of state veterans cemeteries in California.

The Commission has not been constituted, and no board members have been appointed. The commission will be eliminated and its functions transferred to the Veterans Affairs Department.

Veterans' Memorial Beautification and Enhancement Commission, California Mexican American – This advisory commission, created in 1993, consists of eleven members - seven Governor's appointees; two Senate Rules Committee appointees; and two Assembly Speaker appointees.

The work overseen by the commission is funded by private contributions. An amendment in 1998 provides for contribution by check-off on state personal income tax returns. The members receive no compensation and the activities of the commission are fully funded by a special account.

The commission's duties are the beautification and enhancement of an existing memorial in Capitol Park, which is within the area of responsibility of the Department of General Services, Building and Grounds Division.

The commission will be eliminated and its functions transferred to the Department of General Services.

California Vietnam Veterans Memorial Commission – This commission is comprised of nine members – five Governor's appointees, two Assembly Speaker appointees and two Senate Rules Committee appointees. The commission was created in 1983 to set policy and to oversee the construction of a veteran's memorial on the grounds of the state Capitol.

Commission members receive no remuneration, except for the legislative members, who receive *per diem* compensation and are reimbursed for expenses while engaged in commission activities. Staff support and facilities for its activities are provided by the Department of Veterans Affairs.

The memorial is complete and the Veterans Board can assume the policy advisory role. Additional specialized input can be garnered through a committee impaneled under the purview of a Secretary on an *ad hoc* basis to address specific issues.

The commission will be eliminated and its functions transferred to the Department of General Services.

Veterinary Medical Board – This board consists of seven members – five Governor’s appointees, one Senate Rules Committee appointee, and one Assembly Speaker appointee.

Members receive \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The board establishes educational standards for licensure and minimum standards of practice; administers examinations that measure minimum competency; and maintains an enforcement program.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

Board of Vocational Nursing and Psychiatric Technicians – This regulatory and licensing board consists of 11 members – nine Governor’s appointees, one Senate Rules Committee appointee and one Assembly Speaker appointee.

Members receive \$100 *per diem* for time spent discharging official duties and are reimbursed for expenses.

The board is responsible for examination and licensure of applicants and revoking, suspending, or placing on probation any licensee who has violated laws governing the profession.

The board will be eliminated and its functions transferred to the Department of Consumer Affairs.

California Water Commission – The California Water Commission is an advisory and regulatory body comprised of nine Governor’s appointees.

Commission members receive \$100 *per diem* up to a maximum of 40 days each fiscal year, while the chair receives that amount up to 60 days per fiscal year. Commission members are also reimbursed for expenses.

The commission’s primary role is to advise the Director of the Department of Water Resources on issues relating to the control, storage and beneficial use of water. Its other functions include approving rules and regulations proposed by the Department of Water Resources, naming facilities that are part of the State Water Project and adopting resolutions when the Department condemns lands

The commission will be eliminated and its functions will be transferred to the Department of Water Resources.

Workers' Compensation Appeals Board – This seven-member board, appointed by the Governor to six-year fixed terms, exercises judicial powers granted under the Labor Code.

Board members receive a full-time salary ranging from \$114,000 to \$117,000 annually.

The board's two major functions are to: (1) review petitions of appeal for decisions made by workers' compensation appeals administrative law judges who award or deny the granting of worker compensation for workplace injuries and (2) regulate the adjudicatory process by adopting rules of practice and process. Cases are assigned by the chair of the board, who serves in that position at the pleasure of the Governor, to three-member panels of board members; decisions of the three-member panels are final unless a majority of the board agrees to hear the case before all seven members.

Judicial functions that require objective mediation and due process may be handled by administrative law judges, or similar judicial functions, particularly those that represent redundant systems, should be combined into a single adjudicatory body.

This board will be eliminated and its functions transferred to the Labor and Workforce Development Agency, where it will be consolidated into the Employment and Benefits Appeals Board.

APPENDIX 2

REFORMING CALIFORNIA'S BOARDS AND COMMISSIONS

GOVERNOR'S REORGANIZATION PLAN FOR BOARDS AND COMMISSIONS

	Board or Commission Name	Proposal	
		Transfer to Agency	Transfer to Department
1	9-1-1 Advisory Board	SCSA	DGS
2	Accountancy, California Board of	SCSA	DCA
3	Acupuncture Board	SCSA	DCA
4	Agriculture Bargaining Association Advisory Commission	Eliminate	
5	Alarm Company Operator Disciplinary Review Commission	SCSA	DCA
6	Architects Board, California	SCSA	DCA
7	Asian and Pacific Islander American Affairs, Commission on	Eliminate	
8	Barbering and Cosmetology, California State Board of	SCSA	DCA
9	Behavioral Sciences, Board of	SCSA	DCA
10	Boating and Waterways Commission, California	Resources	Department of Boating & Waterways
11	Brown vs. Board of Education of Topeka Advisory Commission	Eliminate	
12	Building Standards Commission	SCSA	DGS
13	Californias, Commission of the	Eliminate	
14	Campus Sexual Assault Task Force, California	Eliminate	
15	Child Development Policy and Advisory Committee	Eliminate	
16	Clinical Advisory Panel	BT&H	Department of Managed Health Care
17	Colorado River Board of California	Resources	DWR
18	Consumer Power and Conservation Financing Authority	Resources	Energy Commission
19	Contractors State License Board	SCSA	DCA
20	Court Reporters Board of California	SCSA	DCA
21	Credit Union Advisory Committee (DFI)	Eliminate	
22	Dental Auxiliaries, Committee on	SCSA	DCA
23	Dental Board of California	SCSA	DCA
24	Economic Development, California Commission for	Eliminate	
25	Electricity Oversight Board, California	Resources	Energy Commission
26	Electronic Commerce Advisory Council of California	Eliminate	
27	Emergency Medical Services, Commission on	HHSA	Emergency Medical Services Authority (EMSA)
28	Fire Services, State Board of	Resources	CDF
29	Forestry and Fire Protection, Board of	Resources	CDF
30	Geologist and Geophysicists, Board for	SCSA	DCA
31	Guide Dogs for the Blind, State Board of	SCSA	DCA
32	Health and Safety and Workers Compensation, Commission on	LWDA	

		Proposal	
	Board or Commission Name	Transfer to Agency	Transfer to Department
33	Health Policy and Data Advisory Commission, California	HHSA	Office of Statewide Health Planning and Development (OSHDP)
34	Hearing Aid Dispensers Advisory Committee	SCSA	DCA
35	Heart Disease and Stroke Prevention and Treatment Task Force	HHSA	DHS
36	Heritage Preservation Commission	Eliminate	
37	High-Speed Rail Authority, California	BT&H	California Transportation Commission
38	Industrial Welfare Commission	LWDA	
39	Inspection and Maintenance Review Committee, California	Eliminate	
40	Integrated Waste Management Board, California	CalEPA	
41	Interagency Aquatic Invasive Species Council	Eliminate	
42	Internet Political Practices, Bipartisan California Commission of	Eliminate	
43	Landscape Architects Technical Committee	SCSA	DCA
44	Loan Advisory Council	Office of Higher Education and Financial Aid	
45	Managed Health Care, Advisory Committee on	Eliminate	
46	Medical Board of California	SCSA	DCA
47	Mining and Geology Board, State	Resources	Department of Conservation
48	Mortgage Bankers Advisory Committee (a.k.a. Banking Advisory Council)	Eliminate	
49	Occupational Safety and Health Appeals Board	LWDA	Employment and Benefits Appeals Board
50	Occupational Therapy, California Board of	SCSA	DCA
51	Off Highway Motor Vehicle Recreational Commission	Resources	Department of Parks and Recreation
52	Optometry, State Board of	SCSA	DCA
53	Pharmacy, California State Board of	SCSA	DCA
54	Physical Therapy Board of California	SCSA	DCA
55	Physician Assistant Committee	SCSA	DCA
56	Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, Board of	SCSA	DCA
57	Podiatric Medicine, Board of	SCSA	DCA
58	Postsecondary Education Commission, California	Office of Higher Education and Financial Aid	

		Proposal	
	Board or Commission Name	Transfer to Agency	Transfer to Department
59	Private Security Disciplinary Review Commission (North)	SCSA	DCA
60	Private Security Disciplinary Review Commission (South)	SCSA	DCA
61	Professional Engineers and Land Surveyors, Board of	SCSA	DCA
62	Psychology, California Board of	SCSA	DCA
63	Public Library Construction and Renovation Board, California	BT&H	Infrastructure and Economic Development Bank Board
64	Quality Education Commission, California	Eliminate	
65	Racial Profiling Panel	Eliminate	
66	Real Estate Advisory Commission	Eliminate	
67	Reclamation Board	Resources	DWR
68	Recreational Trails Committee	Resources	Department of Parks and Recreation
69	Registered Nursing, California Board of	SCSA	DCA
70	Registered Veterinary Technicians Committee	SCSA	DCA
71	Respiratory Care Board of California	SCSA	DCA
72	Rural Health Policy Council, California	HHSA	DHS
73	Seismic Safety Commission, California	SCSA	DGS
74	Service Agency Advisory Committee	SCSA	DCA
75	Small Business Reform Task Force, California	Eliminate	
76	Speech-Language Pathology and Audiology Board, California	SCSA	DCA
77	Structural Pest Control Board	SCSA	DCA
78	Student Aid Commission, California	Office of Higher Education and Financial Aid	
79	Transportation Advisory Committee, Departmental	BT&H	Caltrans
80	Unemployment Insurance Appeals Board, California	LWDA	Employment and Benefits Appeals Board
81	Uniform State Laws, Commission on	Eliminate	
82	Veterans Cemeteries, Governor's Commission on	Department of Veterans Affairs	
83	Veterans' Memorial Beautification and Enhancement Commission, California Mexican American	SCSA	DGS
84	Veterans Memorial Commission, California Vietnam	SCSA	DGS
85	Veterinary Medical Board	SCSA	DCA
86	Vocational Nursing and Psychiatric Technicians, Board of	SCSA	DCA
87	Water Commission, California	Resources	DWR

		Proposal	
	Board or Commission Name	Transfer to Agency	Transfer to Department
88	Workers' Compensation Appeals Board	LWDA	Employment and Benefits Appeals Board
	TOTAL ELIMINATED = 88		